

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE

LUIS FRANCISCO LOPEZ ROSADO

CASE NUMBER: 10-08677-BKT  
CHAPTER 13

**Debtor(s)**

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**JOINT MOTION TO INFORM WITHDRAWAL OF  
DOCUMENT BEFORE THE REGISTRY OF PUERTO RICO**

**TO THE HONORABLE COURT:**

**COME NOW**, Alejandro Oliveras Rivera, Standing Chapter 13 Trustee, and creditor María C. Cestero López, through counsel, and very respectfully, **ALLEG**E, **STATE** and **PRAY**:

1. The present case was filed on September 20, 2010.
2. On November 17, 2010, creditor María C. Cestero López (hereinafter "Cestero López") filed secured proof of claim no. 7-1 in the amount of \$66,587.50.
3. On March 14, 2011, debtor filed a "Motion to avoid lien with María C. Cestero López", see docket no. 50. As stated in debtor's motion, Cestero López obtained a judicial lien over a real property owned by debtor. The request for recordation of said lien was presented to the Registrar of Property of Guaynabo on August 11, 2010, a date which is thirty-nine (39) days before the filing of the present petition.
4. The presentation for recordation of the state court judgment constitutes a voidable preference pursuant 11 U.S.C. section 546 and section 547.

5. Recently, debtor and creditor Cestero López filed a "Motion to Inform on Status of Controversy", see docket no. 86. Mainly, the parties inform of an agreement to settle the action for avoidance of judicial lien whereas creditor Cestero López will amend to unsecured proof of claim no. 7. However, said motion fails to address the withdrawal of the deed before the Registry.

6. To those effects, the subscribing parties have also reach an agreement and creditor Cestero López will voluntarily withdrawn the state court judgment from the Registry of the Puerto Rico within the next fifteen (15) days and will submit evidence of the same to the trustee.

**WHEREFORE**, it is respectfully requested from this Honorable Court to take notice of the above-stated and grant any remedy it may deem just.

**NOTICE**

YOU ARE HEREBY NOTIFIED THAT YOU HAVE FOURTEEN (14) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN OPPOSITION TO THE FOREGOING MOTION AND TO REQUEST A HEARING. IF NO OPPOSITION IS FILED WITHIN THE PRESCRIBED PERIOD OF TIME, THE TRUSTEE'S MOTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED WITHOUT FURTHER HEARING UNLESS (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INEREST OF JUSTICE REQUIRES OTHERWISE. IF A TIMELY OPPOSITION IS FILED, THE COURT WILL SCHEDULE A HEARING AS A CONTESTED MATTER.

**CERTIFICATE OF SERVICE:** I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification to its recipients and to [jimenezlawoffice@gmail.com](mailto:jimenezlawoffice@gmail.com). I further certify that I have mailed

this document by First Class Mail postage prepaid to debtor---address of record.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 15<sup>th</sup> day of August, 2011.

**ALEJANDRO OLIVERAS RIVERA**  
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